

7 Box 2 - [JGR/Appointee Clearances – 04/01/1983-04/14/1983] -
Roberts, John G.: Files SERIES I: Subject File

WITHDRAWAL SHEET

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Collection Name Roberts, John

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File Folder [JGR/APPOINTEE CLEARANCES - 04/01/1983-04/14/1983]

FOIA

F05-139/01

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DOC NO	Doc Type	Document Description	No of Pages	Doc Date	Restrictions	
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Freedom of Information Act - [5 U.S.C. 552(b)]

B-1 National security classified information [(b)(1) of the FOIA]

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DOC NO	Doc Type	Document Description	No of Pages	Doc Date	Restrictions	
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Freedom of Information Act - [5 U.S.C. 552(b)]

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THE WHITE HOUSE
WASHINGTON

April 1, 1983

MEMORANDUM FOR HELENE VON DAMM

FROM: FRED F. FIELDING 

All necessary clearances and certifications have been accomplished with regard to the following individual and he is ready for formal nomination by the President:

James D. Rosenthal - to be Ambassador to the People's
Revolutionary Republic of Guinea

cc: Claire O'Donnell
Jane Dannenhauer
Dick Hauser
John Roberts

WITHDRAWAL SHEET

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1 REPORT

1 4/1/1983 B6

213

APPOINTMENT PROCESS PERSONAL
INTERVIEW RECORD RE RICHARD ARMITAGE

Freedom of Information Act - [5 U.S.C. 552(b)]

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2 REPORT

1 4/4/1983 B6

214

APPOINTMENT PROCESS PERSONAL
INTERVIEW RECORD RE LOIS HERRINGTON

Freedom of Information Act - [5 U.S.C. 552(b)]

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10 FEB 1983

Office of the
Deputy Assistant Attorney General

Washington, D.C. 20530

3 FEB 1983

MEMORANDUM FOR EDWARD C. SCHMULTS
DEPUTY ATTORNEY GENERALRe: Constraints on Use of Authorized Assistant
Attorney General Position

This memorandum responds to your request of February 3, 1983 raising these questions: first, whether there is any constraint on the Attorney General's use of the Assistant Attorney General slot authorized in 1978, see Pub. L. No. 95-598, § 218, 92 Stat. 2549, 2662 (1978), but as yet not utilized; second, whether that slot could be used to oversee the Office of Justice Assistance, Research and Statistics (OJARS); and third, whether an Assistant Attorney General in charge of OJARS would need to be renominated and reconfirmed in order to serve as the Assistant Attorney General in charge of the proposed Office of Justice Assistance (OJA) outlined in the draft Justice Assistance Act of 1983 at such time as that legislation is passed.

We believe that the Assistant Attorney General slot may be allocated as the Attorney General sees fit, and in particular, may be utilized to oversee OJARS. We suggest below proposed amendments to the draft legislation designed to attempt to obviate the need to resubmit the intended Assistant Attorney General nomination for Senate confirmation.

I. The Assistant Attorney General slot is available for use by the Attorney General in his discretion. Section 218 of Pub. L. No. 95-598, supra, states:

Section 506 of Title 28 of the United States Code is amended by striking out "nine" and inserting in lieu thereof "ten."

Thus, 28 U.S.C. § 506 now reads:

The President shall appoint, by and with the advice and consent of the Senate, ten Assistant Attorneys General, who shall

assist the Attorney General in the performance of his duties.

28 U.S.C. § 506 (Supp. V 1981). 1/ There are no stated limits on the Attorney General's use of this Assistant Attorney General slot.

It is true the legislative history indicates Congress intended to give the Attorney General the new Assistant Attorney General slot in order to supervise the United States Trustee program. See H.R. Rep. No. 595, 95th Cong., 1st Sess. 101, 437 (1977). Nevertheless, we do not believe that these legislative indications restrict the Attorney General's discretion. First, § 218 directly amended 28 U.S.C. § 506 to increase the number of slots available. It did not, as Congress has done on occasion in the past, create an Assistant Attorney General slot that can only be used to oversee a specific task. See, e.g., 28 U.S.C. § 507 (Assistant Attorney General for Administration); Act of August 5, 1909, § 2B, 36 Stat. 11, 108 (Assistant Attorney General for Customs). Second, the Assistant Attorney General slot was originally proposed in order to supervise a nationwide, permanent force of United States Trustees, not the pilot program of United States Trustees that was finally agreed to prior to passage of the Act and which expires on April 1, 1984. 28 U.S.C. § 581 et seq. (Supp. V 1981). The Assistant Attorney General slot does not expire at that time. Third, the Assistant Attorney General slot has not been filled and used to supervise even the more limited Trustee program now in effect -- indicating that the Department has not read Congress' legislative history as mandatory -- and Congress has apparently not taken the Department to task for this failure. There is, of course, no objection to nominating someone to oversee the United States

1/ Pub. L. No. 95-598 is known as the Bankruptcy Reform Act of 1978 (Act). Section 218 is affected by neither Northern Pipeline Construction Co. v. Marathon Pipe Line Co., ___ U.S. ___, 102 S.Ct. 2858 (1982), nor the Act's provision terminating all provisions in it dealing with the United States Trustee program on April 1, 1984. Pub. L. No. 95-598, title IV, § 408, 92 Stat. 2686.

Trustee program, but we do not believe it is legally necessary. 2/ As with the other nine Assistant Attorney General slots, we believe that the Attorney General may exercise unfettered discretion in deciding how this new Assistant Attorney General can best assist him.

II. Assuming you wish the Assistant Attorney General to oversee OJARS, certain changes are necessary in the Department's structure. The most important task is to decide exactly what areas you wish the new Assistant Attorney General to oversee. We understand you wish the areas of oversight to include OJARS, which is presently under "the general authority and policy control of the Attorney General," 42 U.S.C. § 3781(a) (Supp. IV 1980), and under the direct supervision of the Deputy Attorney General. 28 C.F.R. § 0.15(b) (1982). We suggest the following procedures, although of course you will wish to consult with the Assistant Attorney General for Administration for more expert advice (28 C.F.R. § 0.75(a), 0.190(a)(1982)):

1. Nominate the individual to be Assistant Attorney General for OJARS and whatever other concerns will be covered by the proposed OJA.
2. Obtain confirmation of the nominee.
3. Delegate the Attorney General's authority under 42 U.S.C. § 3781(a) to the new Assistant Attorney General by internal order. Amend 28 C.F.R. §§ 0.15(b), 0.90 (1982) to reflect the change in reporting structure. Issue a new organizational chart.

Once these steps are completed, the new Assistant Attorney General will be in charge of OJARS and whatever other areas the Attorney General has delegated to him.

2/ If there is some understanding between Chairman Peter Rodino of the House Judiciary Committee and the Department, of which we are unaware, that the additional Assistant Attorney General slot would be used to oversee the United States Trustee program, failure to utilize the slot for that purpose may be considered by Chairman Rodino a breach of faith or promise on the part of the Department. Such fact would be, of course, a consideration in deciding how to proceed, but would not affect the legal analysis in the text.

III. The new Assistant Attorney General's nomination may not need to be resubmitted if certain changes are made in the proposed legislation. As presently drafted, the OJA legislation states that OJA "shall be headed by an Assistant Attorney General." Proposed Justice Assistance Act of 1983, § 101. This language does not clearly establish an eleventh Assistant Attorney General slot -- it might be read merely to mean that the OJA shall be headed by one of the already existing authorized Assistant Attorneys General. Unless you wish an eleventh slot, we suggest amending the language to create an OJA that will be under the supervision of any Assistant Attorney General that the Attorney General designates. This amended language will permit the Attorney General to designate the new Assistant Attorney General to be in charge of OJA, thereby eliminating the need to renominate the individual for the new slot. Equally important, it will avoid the limitations that would be placed on the Attorney General's future discretion by the creation of an Assistant Attorney General who can only supervise the OJA. Given the often rapid changes in the Department's priorities and organizational needs, we believe the number of such restricted Assistant Attorney General slots should be kept to a minimum.

If an eleventh slot is desired, we recommend that the draft provision be modeled after § 218, supra, and be placed at the end of Title VIII of the proposed legislation to minimize any argument that it can only be used to supervise OJA. There is, of course, no guarantee that Congress or individual members might not later argue that the eleventh slot should be so limited, and that the head of OJA must be confirmed through that slot. If so, the Assistant Attorney General for OJARS might be forced to go through the nomination and confirmation procedure again.

We hope this information is helpful to you. Should you desire further information concerning this matter, please let us know.

Ralph W. Tarr
Deputy Assistant Attorney General
Office of Legal Counsel

cc: Stanley E. Morris
James H. Burnley, IV ✓

THE WHITE HOUSE

WASHINGTON

April 5, 1983

MEMORANDUM FOR HELENE VON DAMM

FROM: FRED F. FIELDING

All necessary clearances have been accomplished with regard to the following individual and he is ready for appointment by the President:

William O. Doub - Federal Representative, Southern
States Energy Board


cc: Claire O'Donnell
Jane Dannenhauer
John Roberts
Barbara McQuown

THE WHITE HOUSE

WASHINGTON

April 7, 1983

MEMORANDUM FOR HELENE VON DAMM

FROM: FRED F. FIELDING .

All necessary clearances and certifications have been accomplished with regard to the following individual and he is ready for formal nomination by the President:

John Weinmann - Commissioner General, US-Louisiana
1984 World Expo

cc: Claire O'Donnell
Jane Dannenhauer
John Roberts
Barbara McQuown

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3 REPORT

1 4/7/1983 B6

215

APPOINTMENT PROCESS PERSONAL INTERVIEW
RECORD RE MADELINE WILL

Freedom of Information Act - [5 U.S.C. 552(b)]

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RE MADELINE WILL PERSONAL INTERVIEW

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THE WHITE HOUSE
WASHINGTON

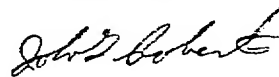
March 31, 1983

Dear Mrs. Will:

I am enclosing two copies of a draft financial disclosure report for your review. This draft is based on information provided on the form previously submitted by you, supplemented by my conversation of this date with your accountant, George Allen. If you are satisfied that the information appearing on this form is correct and complete, please sign and date the certification on both copies, and return the forms to me. If you have any questions, please do not hesitate to call.

With best wishes,

Sincerely,



John G. Roberts
Associate Counsel
to the President

Mrs. Madeleine C. Will
4 West Melrose Street
Chevy Chase, Maryland 20815

Enclosures

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5 NOTES

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217

RE M WILL

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6 FORM

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218

FINANCIAL DISCLOSURE REPORT (SF 278)

Freedom of Information Act - [5 U.S.C. 552(b)]

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7 FORM

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219

FINANCIAL DISCLOSURE REPORT (SF 278)

Freedom of Information Act - [5 U.S.C. 552(b)]

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FINANCIAL DISCLOSURE REPORT (SF 278)

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Subj

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

April 8, 1983

FOR: DIANNA G. HOLLAND

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Appointment of Clement V. Tillion
to be U.S. Commissioner on the
North Pacific Fur Seal Commission

Clement V. Tillion is to be appointed U.S. Commissioner on the North Pacific Fur Seal Commission, an entity established by Article V of the Convention on Conservation of North Pacific Fur Seals signed on behalf of the United States, Canada, Japan, and the USSR. The authority to appoint a Commissioner is found at § 106 of Public Law 89-702, 80 stat. 1092. The Commissioner receives no compensation. Mr. Tillion owns land and a boat service in Alaska; he has extensive experience in fisheries issues and has been involved with the North Pacific Fur Seal Commission in the past. I have reviewed his PDS and see no objection to his prospective appointment.

JGR Subj.

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

April 8, 1983

FOR: DIANNA G. HOLLAND
FROM: JOHN G. ROBERTS *JGR*
SUBJECT: Presidential Appointments

There follow answers to the questions raised in your memorandum of April 7 on the above-referenced topic:

1. No; forms sent 3/30.
2. Mesdames Burns, Monks, and Montgomery have submitted their PDS forms. I have a call in to Presidential Personnel to ensure that statutorily-mandated procedures with respect to appointments to the JFK Center Advisory Board were followed, see Public Law 85-874 § 2(c). A minor, technical matter; I would hope to have these three done today.
3. No; on 4/1 Mr. Domencich advised us the forms would be sent "next week."
4. Yes; PDS just received on 4/4. I am working on Enns now.
5. Have received 278 but not PDS. I am working with ITC General Counsel and OGE on obtaining necessary opinions on Mr. Lodwick's holdings and, as you might suspect, am in constant communication with Mr. Lodwick himself.
6. No; forms sent 4/5.
7. See # 2.
8. See # 2.
9. PDS received 3/24; awaiting 278.
10. Yes. I was awaiting the PDS from Carmen Blondin for same Commission, but will send Tillion in today, if you wish.

Many thanks.

THE WHITE HOUSE
WASHINGTON

April 7, 1983

MEMORANDUM FOR JOHN ROBERTS

FROM: DIANNA HOLLAND *dh*
SUBJECT: Presidential Appointments

Would you please give me an update on the status of the following Presidential appointments assigned to you:

1. Simeon Bright, Postal Rate Commission
Have you received PDS or 278 yet?
2. Joy S. Burns, Adv. Comm. to JFK
Have you reviewed PDS?
This Committee has a meeting soon;
please review and let me know.
3. Thomas Domencich, ICC
Have you received IRS waivers, updated PDS and 278?
4. Paul Enns, Federal Farm Credit Board
Have you received a PDS and 278?
5. Seeley Lodwick, ITC
How are we doing?
6. John McGarry, FEC
Have you received PDS and 278?
7. Millicent Monks, Adv. Comm. to JFK
Same as #2.
8. Julia Montgomery, Adv. Comm. to JFK
Same as #2.
9. A. Wayne Roberts, Deputy U/S of Education
Have you received PDS and 278?
10. Clement Tillion, N. Pacific Fur
Have you reviewed PDS?
Another one that has a meeting soon.

Thank you.

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9 MEMO

1 4/11/1983 B6

221

J ROBERTS TO RICHARD HAUSER RE A
PERSONAL DATA STATEMENT

Freedom of Information Act - [5 U.S.C. 552(b)]

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THE WHITE HOUSE

WASHINGTON

April 12, 1983

MEMORANDUM FOR HELENE VON DAMM

FROM: FRED F. FIELDING

All necessary clearances have been accomplished with regard to the following individual and he is ready for appointment by the President:

Clement V. Tillion - Deputy US Commissioner, North
Pacific Fur Seal Commission

cc: Claire O'Donnell
Jane Dannenhauer
John Roberts
Barbara McQuown

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

April 13, 1983

FOR: THE FILES
FROM: JOHN G. ROBERTS *JGR*
SUBJECT: FBI Report on James Burnley

On April 8, 1983, I was present when Senator Gorton reviewed a copy of the FBI report on James Burnley. Senator Gorton read the report without comment and concluded that Burnley had "a green light" so far as he was concerned.

WITHDRAWAL SHEET

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Roberts, John

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[JGR/APPOINTEE CLEARANCES - 04/01/1983-04/14/1983]

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NO Document Description

10 MEMO

1 4/13/1983 B6

1170

ROBERTS TO FILE, RE: REPORT

Freedom of Information Act - [5 U.S.C. 552(b)]

B-1 National security classified information [(b)(1) of the FOIA]

B-2 Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]

B-3 Release would violate a Federal statute [(b)(3) of the FOIA]

B-4 Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]

B-6 Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]

B-7 Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]

B-8 Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]

B-9 Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

E.O. 13233

C. Closed in accordance with restrictions contained in donor's deed of gift.

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

April 13, 1983

FOR: DIANNA G. HOLLAND

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Appointments of Julie P. Montgomery,
Millicent Monks and Joy S. Burns as
Members of the John F. Kennedy Center
for the Performing Arts Advisory Committee

I have reviewed the Personal Data Statements submitted by the above-referenced individuals for appointment as members of the Kennedy Center Advisory Committee. With Mr. Fielding's approval the individuals were not required to answer questions 2-7.

Appointments to the Kennedy Center Advisory Committee are authorized by Public Law 85-874 § 2(c). Appointees "shall be persons who are recognized for their knowledge of, or experience or interest in, one or more of the arts in the fields covered by the [Kennedy Center]." *Id.* Mrs. Montgomery is recognized for her interest in arts in the Atlanta area, where she is involved with the Atlanta Arts Alliance and the Forward Arts Foundation. Mrs. Monks is involved with the Portland Center for the Performing Arts and founded the Plum Island Dance Company. Mrs. Burns is a member of the Central City Opera House Association and the Denver Center for the Performing Arts. Based on my review of the Personal Data Statements submitted by the individuals, I see no reason to object to their appointments.

John

THE WHITE HOUSE
WASHINGTON

Date 4.14.83

Suspense Date _____

MEMORANDUM FOR: Council's Office Attorneys

FROM: **DIANNA G. HOLLAND**

ACTION

- ☐ Approved
- ☐ Please handle/review
- ☒ For your information
- ☐ For your recommendation
- ☐ For the files
- ☐ Please see me
- ☐ Please prepare response for
_____ signature
- ☐ As we discussed
- ☐ Return to me for filing

COMMENT

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pages tions

NO Document Description

11 MEMO

1 4/13/1983 B6

1171

CLAIRE O'DONNELL TO JANE DANNEHAUER,
RE: PAS AND PA CANDIDATE WITHDRAWALS

Freedom of Information Act - [5 U.S.C. 552(b)]

B-1 National security classified information [(b)(1) of the FOIA]

B-2 Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]

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E.O. 13233

C. Closed in accordance with restrictions contained in donor's deed of gift.

THE WHITE HOUSE

WASHINGTON

April 14, 1983

MEMORANDUM FOR HELENE VON DAMM

FROM: FRED F. FIELDING

All necessary clearances have been accomplished with regard to the following individuals and they are ready for appointment to the John F. Kennedy Center for the Performing Arts Advisory Committee:

Joy S. Burns
Millicent Monks
Julie P. Montgomery

cc: Claire O'Donnell
Jane Dannenhauer
John Roberts
Barbara McQuown

THE WHITE HOUSE

WASHINGTON

April 14, 1983

MEMORANDUM FOR HELENE VON DAMM

FROM: FRED F. FIELDING

All necessary clearances and certifications have been accomplished with regard to the following individual and he is ready for formal nomination by the President:

Myles Robert Frechette - to be Ambassador to the United Republic of Cameroon

cc: Claire O'Donnell
Jane Dannenhauer
John Roberts

THE WHITE HOUSE

WASHINGTON

April 14, 1983

MEMORANDUM FOR HELENE VON DAMM

FROM: FRED F. FIELDING

All necessary clearances and certifications have been accomplished with regard to the following individual and he is ready for formal nomination by the President:

Richard S. Williamson - to be the Representative of the United States to the Vienna Office of the United Nations and Deputy Representative of the United States to the International Atomic Agency, with the Rank of Ambassador

cc: Claire O'Donnell
Jane Dannenhauer
John Roberts